

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2009-007876-001 DT

06/18/2010

HONORABLE CONNIE CONTES

CLERK OF THE COURT
H. O'Shaughnessy/C. Danos
Deputy

STATE OF ARIZONA

CHARITY A COLLINS

v.

DAVID ALLEN WIECHENS SR. (001)
DOB: 6/10/1953

DAVID J KEPHART

APO-SENTENCE IMPRISON-CCC
APPEALS-CCC
AZ DOC
DISPOSITION CLERK-CSC
EDM-QC-CCC
RFR
VICTIM SERVICES DIV-CA-CCC

SENTENCE OF IMPRISONMENT

1:37 p.m.

| | |
|-----------------------|--------------------|
| State's Attorney: | Charity A. Collins |
| Defendant's Attorney: | David J. Kephart |
| Defendant: | Present |
| Court Reporter: | Laurie Yazwa |

Based on the request of the State and there being no objection by Defendant,

IT IS ORDERED directing EDM-QC to remove the original plea agreement from the file and change the avowal on page 2 paragraph 5 to reflect one prior felony conviction and not zero and have the plea agreement rescanned.

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Gordon Grey, victim, addresses the Court.

Rita Gray, victim, addresses the Court.

Scott Piquet, victim, addresses the Court.

Jeff Ziehmer, victim, addresses the Court.

Ron Bower, victim, addresses the Court.

Pete Fiovavanti, victim, addresses the Court.

Kelvin Alan Helmich, victim, addresses the Court.

Derek Gray, victim, addresses the Court.

The Court addresses counsel, the Defendant and the victims re: rejecting the stipulated 7 years to Department of Corrections in the plea agreement pursuant to Rule 17.4(e), Ariz. Rules of Crim. Proc. Defendant states he does not wish to withdraw from the plea agreement and has no objection to the Court's decision.

The Court finds that Defendant has made a knowing, intelligent and voluntary decision and does not withdraw from the plea agreement.

Derek Gray, victim, re-addresses the Court.

Sentencing proceeds at this time.

Count(s) 1: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1 Manslaughter

Class 2 Dangerous Felony

A.R.S. § 13-1101, 1103, 28-3001, 3304, 3305, 3315, 13-610, 701, 702, 704 and 801

Date of Offense: April 12, 2009

Dangerous pursuant to A.R.S. § 13-704 - Non Repetitive

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AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 1: 10 year(s) from June 18, 2010
Presentence Incarceration Credit: 190 day(s)
Mitigated

IT IS ORDERED the Defendant shall pay through the Clerk of the Superior Court:

RESTITUTION: Count 1 - \$8,019.28 to the following victim(s) in the following amounts:

Rita and Gordon Gray (Individual) \$8,019.28

Restitution ledger provided; priority of payment as stated in the restitution ledger.

Restitution shall be paid monthly in an amount to be determined by the Arizona Department of Corrections in compliance with ARS 31-230.

ASSESSMENTS:

Count 1: PROBATION SURCHARGE: \$20.00.

Count 1: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00.

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail cforeponse@mail.maricopa.gov. The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Additional Monetary Information: Pursuant to agreement of the parties regarding restitution,

Additional Monetary Information: IT IS ORDERED clerk provide Restitution Ledger Request to RFR with stipulated amount.

Additional Monetary Information: ISSUED: Restitution Ledger Request.

Community Supervision: Count 1 - Imposed pursuant to A.R.S. § 13-603(I).

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IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes and pay the applicable fee for the cost of that testing in accordance with A.R.S. § 13-610.

IT IS ORDERED authorizing the Sheriff of Maricopa County to deliver the Defendant to the Arizona Department of Corrections to carry out the term of imprisonment set forth herein.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

IT IS ORDERED that Defendant's driver's license is revoked.

IT IS FURTHER ORDERED that Defendant receive medical and mental health services as appropriate.

3:38 p.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>

ISSUED: Order of Confinement - Certified Copy to DOC via MCSO

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE CONNIE CONTES
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)